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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 MICHAEL PAUL SCARLETT,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Acting  
13 Commissioner of Social Security  
Administration,

14 Defendant.

Case No. 3:16-cv-00320-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
WILLIAM G. COBB

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16 Before the Court is Magistrate Judge William G. Cobb's Report and  
17 Recommendation ("R&R") (ECF No. 18), regarding Plaintiff's Motion for Reversal and/or  
18 Remand (ECF No. 13, 14 (brief)) and Defendant Commissioner's Cross-Motion to affirm  
19 and opposition to Plaintiff's Motion for Reversal and Remand (ECF No. 16). The Court  
20 allowed Plaintiff to file an objection by July 31, 2017 (ECF No. 18). To date, no objection  
21 has been filed.

22 This Court "may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
24 timely objects to a magistrate judge's report and recommendation, then the court is  
25 required to "make a *de novo* determination of those portions of the [report and  
26 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails  
27 to object, however, the court is not required to conduct "any review at all . . . of any issue  
28 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed,

1 the Ninth Circuit has recognized that a district court is not required to review a magistrate  
2 judge's report and recommendation where no objections have been filed. *See United*  
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
4 employed by the district court when reviewing a report and recommendation to which no  
5 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
6 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
7 district courts are not required to review "any issue that is not the subject of an objection").  
8 Thus, if there is no objection to a magistrate judge's recommendation, then the court may  
9 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226  
10 (accepting, without review, a magistrate judge's recommendation to which no objection  
11 was filed).

12 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order  
13 to determine whether to adopt the R&R. The R&R finds that the ALJ did not err assessing  
14 Plaintiff's mental limitations and in assigning only some weight to opinion of the Social Security  
15 Administration's consultative examining physician (Dr. Corson). (ECF No 18.) Upon review  
16 of the R&R and the records in this case, the Court finds good cause to adopt the R&R in  
17 full.

18 It is therefore ordered that the R&R (ECF No. 18) is accepted and adopted in full.

19 It is further ordered that Plaintiff's Motion for Reversal and/or Remand (ECF No.  
20 13) is denied.

21 It is further ordered that The Commissioner's Cross-Motion to Affirm (ECF No. 16)  
22 is granted.

23 The Clerk is directed to enter judgment consistent with this Order and close this  
24 case.

25 DATED THIS 14<sup>th</sup> day of August 2017.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE